

## UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED

AUG 29 2019

United States of America  
v.PETER A. MOORE, JR., CLERK  
US DISTRICT COURT, EDNC  
BY SPS DEP CLKCase No. 5:19-MJ-2054-RN

Darius Franklin Autry

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 15th, 2019 in the county of Johnston in the  
Eastern District of North Carolina, the defendant(s) violated:Code Section  
Title 18 U.S.C. § 922 (g)Offense Description  
Possession of a Firearm by a Felon

This criminal complaint is based on these facts:

See attached affidavit.


☒ Continued on the attached sheet.

Complainant's signature

Justin M. Roberts ATF TFO

Printed name and title

Pursuant to Rule 4.1 of the Federal Rules of Criminal Procedure, the applicant appeared before me via reliable electronic means and was placed under oath.

Date: 8/29/2019 9:38 am

Judge's signature

City and state: Raleigh, North Carolina

Robert T. Numbers II, United States Magistrate Judge

Printed name and title

## **AFFIDAVIT FOR CRIMINAL COMPLAINT**

I, Justin Roberts, hereinafter designated as affiant, having been duly sworn according to law, depose and state under oath as follows:

### **INTRODUCTION**

1. I am a TFO with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") since August of 2018 and a sworn law enforcement officer since January of 2010. During this time I have received extensive training in narcotics and firearms investigation. I have participated in numerous firearm and narcotic investigations that have led to successful federal prosecutions.
2. I have conducted and/or assisted in numerous drug and illegal firearm arrests on the federal level. I am experienced in investigating drug traffickers. I am familiar with the use of various forms of electronic surveillance as investigative tools. I have participated in investigations involving cocaine hydrochloride (HCL), cocaine base (crack), marijuana, methamphetamine, heroin, and various other controlled substances. As a TFO, I have participated in investigations involving, but not limited to, physical surveillance, undercover transactions and the application and execution of federal search warrants. I have received extensive training, both formal and informal, in the investigation of drug trafficking and money laundering, including, but not limited to, training and courses in advanced drug investigations, street level drug enforcement, and narcotics interdiction. I have received specialized training in advanced search and seizure techniques and vehicle

interdiction techniques. Through my training, education and work experience, I have become familiar with the manner in which drug trafficking violations are committed.

3. As a result of my training and experience as an ATF TFO, I am familiar with federal criminal laws, and have participated in the investigation of criminal violations of federal law, including, but not limited to violations of controlled substance and firearm laws as set out in Title 21 U.S.C. § 846, Title 21 U.S.C. § 841 and Title 18 U.S.C. § 922(g)(1).
4. I make this affidavit in support of an application for the issuance of a criminal complaint against Darrius Franklin AUTRY for the following violation:

Title 18 U.S.C. § 922(g)(1) – possession of a firearm by a prohibited person.

5. This affidavit is based on personal knowledge I have gained from my participation in this investigation, observations of other law enforcement officers who participated in the investigation, interviews by either myself or other participating agents or officers during the investigation, and conclusions I have reached based on my training and experience in the investigation of narcotics violations. I am not including every fact of the investigation but only the necessary information needed to obtain probable cause that Darrius Franklin AUTRY violated Title 18 U.S.C. §922(g)(1).

**PROBABLE CAUSE**

6. On May 15<sup>th</sup>, 2019 Officer Carter with the Clayton police Dept. conducted a vehicle stop at the location of US Hwy 70 W and East Main St in Clayton NC. Officer Carter stated that the stop was conducted due to the odor of marijuana emitting from the vehicle while driving down the road.
7. Due to the smell of marijuana coming from the vehicle, Officer Carter initiated a traffic stop and approached the driver's window. Upon approaching the driver's window, Officer Carter advised that the odor of marijuana was strong.
8. While speaking to the driver, Elexis BULLOCK, Officer Carter was advised that the occupants of the vehicle had just smoked marijuana inside the vehicle. Officer Carter identified the front seat passenger as Omar VANN.
9. Officer Carter then called for a backup unit to respond to the traffic stop. Lt. Lunger, also with the Clayton Police Dept., arrived to the traffic stop location. Officer Carter then instructed the driver to exit the vehicle. Officer Carter searched BULLOCK's person for contraband with negative results. Officer Carter then instructed VANN to exit the vehicle. Officer Carter searched VANN's person for contraband with negative results. Officer Carter then instructed both subjects to stand with Lt. Lunger while he searched the vehicle.
10. When Officer Carter went back to search the vehicle he noticed that there was a rear passenger, identified as Darrius Franklin AUTRY. Officer Carter instructed AUTRY to exit

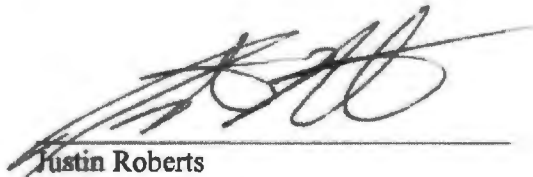
the vehicle. Officer Carter than searched AUTRY's person for contraband with negative results. After being search, AUTRY, made a spontaneous utterance that he has a gun in his bag that was located in the back seat of the vehicle. AUTRY also stated that he found the gun in the woods while he was walking around.

11. Officer Carter completed a search of the vehicle and located a SCCY CPX-2 9mm handgun in a bag located in the back seat. Officer Carter stated that the magazine was not in the gun at the time it was located but the magazine was inside the bag with the gun. Officer Carter stated the magazine was loaded with ten (10) 9mm rounds of ammunition.
12. After locating the gun, Officer Carter stated that he ran the serial number on the gun to determine if it was stolen. Officer Carter stated tha the gun was entered NCIC as stolen out of Durham NC. Officer Carter then placed AUTRY under arrest for possession of a firearm by a convicted felon, possession of a stolen firearm, and carrying a concealed weapon.
13. On August 20<sup>th</sup>, 2019, Based upon the examination of the description provided by the affiant, ATF SA Johnson determined the firearm is a firearm as defined in Title 18, U.S.C., 921(a)(3). SA Johnson determined the firearm was not manufactured in the State of North Carolina, therefore, if the firearm was received and/or possessed in the State of North Carolina, the firearm traveled in or affected interstate and/or foreign commerce as defined by Title 18, U.S.C. 921(a)(2).
14. On June 13<sup>th</sup>, 2016, Darrius Franklin AUTRY was found guilty in New Hanover Superior court for selling a schedule I controlled substance. This crime was punishable by a sentence of fourteen to twenty six (14-26) months' imprisonment.

### CONCLUSION

Based on the forgoing investigation, I submit that there is probable cause to believe that on May 15<sup>th</sup>, 2019, Darrius Franklin Autry, violated Title 18 U.S.C. § 922(g)(1), that is, that he knowingly and intentionally possessed a firearm by a prohibited person.

Therefore, I respectfully request the issuance of a criminal complaint and arrest of the aforementioned individual.



Justin Roberts  
ATF TFO  
Bureau of Alcohol, Tobacco, Firearms, and Explosives

Pursuant to Rule 4.1 of the Federal Rules of Criminal Procedure, the affiant appeared before me via reliable electronic means, was placed under oath, and attested to the contents of this written affidavit.

Dated: August 29, 2019



Robert T. Numbers, II  
United States Magistrate Judge